

State of South Dakota

EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

398R0379

SENATE EDUCATION ENGROSSED NO. **SB 156** - 2/18/2010

Introduced by: Senators Gray, Merchant, Olson (Russell), and Tieszen and Representatives Schlekeway, Bolin, Conzet, Fargen, Hoffman, Kopp, Lederman, Lucas, Moser, Olson (Betty), Romkema, Rounds, Russell, Sorenson, Steele, Vanneman, and Verchio

1 FOR AN ACT ENTITLED, An Act to require that determinations in both adult and juvenile
2 court proceedings relative to a controlled substance violation of a high school student
3 participating in extracurricular activities be reported to the South Dakota High School
4 Activities Association and to the school administrator.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That § 13-32-9 be amended to read as follows:

7 13-32-9. Any person adjudicated, convicted, the subject of an informal adjustment or court-
8 approved ~~juvenile~~ diversion program, or the subject of a suspended imposition of sentence or
9 suspended adjudication of delinquency for possession, use, or distribution of controlled drugs
10 or substances or marijuana as defined in chapter 22-42, or for ingesting, inhaling, or otherwise
11 taking into the body any substances as prohibited by § 22-42-15, is ineligible to participate in
12 any extracurricular activity at any secondary school accredited by the Department of Education
13 for one calendar year from the date of adjudication, conviction, diversion, or suspended



1 imposition of sentence. The one-year suspension may be reduced to sixty school days if the
2 person participates in an assessment with a certified chemical dependency counselor or
3 completes an accredited intensive prevention or treatment program. If the assessment indicates
4 the need for a higher level of care, the student is required to complete the prescribed program
5 before becoming eligible to participate in extracurricular activities. Upon a subsequent
6 adjudication, conviction, diversion, or suspended imposition of sentence for possession, use, or
7 distribution of controlled drugs or substances or marijuana as defined in chapter 22-42, or for
8 ingesting, inhaling, or otherwise taking into the body any substances as prohibited by § 22-42-
9 15, by a court of competent jurisdiction, that person is ineligible to participate in any
10 extracurricular activity at any secondary school accredited by the Department of Education.
11 Upon such a determination in any juvenile court proceeding the Unified Judicial System shall
12 give notice of that determination to the South Dakota High School Activities Association and
13 the chief administrator of the school in which the person is participating in any extracurricular
14 activity. The Unified Judicial System shall give notice to the chief administrators of secondary
15 schools accredited by the Department of Education for any such determination in a court
16 proceeding for any person eighteen to twenty-one years of age without regard to current status
17 in school or involvement in extracurricular activities. The notice shall include name, date of
18 birth, city of residence, and offense. The chief administrator shall give notice to the South
19 Dakota High School Activities Association if any such person is participating in extracurricular
20 activities.

21 Upon placement of the person in an informal adjustment or court-approved ~~juvenile~~
22 diversion program, the state's attorney who placed the person in that program shall give notice
23 of that placement to the South Dakota High School Activities Association and chief
24 administrator of the school in which the person is participating in any extracurricular activity.

- 1 As used in this section, the term, extracurricular activity, means any activity sanctioned by
- 2 the South Dakota High School Activities Association.